

and choicest blessings of Heaven. I move the adoption of the resolutions which I send to the Secretary.

1 *Resolved*, That the Senate has learned with profound regret, the death of the Hon. Sam Bogart, a Representative from the county of Collin, and formerly a member of this body.

2. That in the death of Major Bogart the State has lost one of its most experienced and able public servants, and his constituency a most faithful and devoted Representative.

3. That the members of the Senate tender their sympathies to the family of the deceased in their bereavement ; and that as a further mark of esteem for the memory of their late associate, they will wear the usual badge of mourning for thirty days.

4. That the Secretary of the Senate transmit a copy of these resolutions to the widow of the deceased.

Mr. Lott, in seconding the resolutions, offered a few brief and appropriate remarks, after which the resolutions were unanimously adopted and the Senate adjourned until Monday morning at 10 o'clock.

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MONDAY, April 8, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Duggan, Chairman of the committee on County Boundaries, to whom was referred a bill to define the boundaries of the county of McMullen, reported the same to the Senate and asked to be discharged from consideration of the same, for want of time.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported the following bills:

A bill to amend the act supplemental to an act to regulate estrays.

A bill supplemental to an act making appropriations for the *per diem* pay and mileage of the members and officers of the Convention.

A bill to provide for the redemption of the Treasury warrants issued to William Fitzhugh.

A bill prescribing the manner of authenticating instruments of record.

A bill to authorize a loan and imposing a special tax to meet the principal and interest thereof, under the provisions of thirty-

third section of the seventh article of the Constitution of the State.

A bill for the relief of Charles Ganahl.

A bill supplemental to and amendatory of the act creating the county of Kaufman, approved Feb. 26, 1848.

Joint resolution for the turning over the property now in the State (lately taken from the United States Government,) to the Confederate States Government.

A bill to encourage the establishment of Manufactories in the State of Texas.

Joint resolution concerning Brigadier Gen. David E. Twiggs.

A bill granting a pension to Cynthia Ann Parker, correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Walker, Chairman of the committee on Public Lands, to whom was referred a bill granting pre-emption privileges on the reservation lands belonging to the State of Texas, to certain persons therein named, and the following reports:

A majority of the committee have instructed me to report the bill back to the Senate and to recommend its rejection.

The undersigned, a minority of the Public Land committee, having arrived at different conclusions from the majority in relation to the bill granting pre-emption privileges on the reservation lands belonging to the State of Texas, to certain persons therein named, beg leave to report that they are clearly of opinion that the bill is meritorious and ought to pass and become a law. The undersigned can see no good reason for allowing pre-emption privileges on the other public domain of the State, and not on the lands mentioned in the bill, but to them very strong and conclusive reasons why it should be done. Among the many good reasons that might be adduced in favor of the measure proposed by the bill. The undersigned will only mention the following, deeming them sufficient and conclusive, to-wit: It would not only enable many good and industrious citizens of Texas to buy homes for themselves and families, but it would, to some extent at least, prevent the lands mentioned in the bill from being monopolized by wealthy companies, to the great injury of the State, and contrary to the spirit, if not the very letter, of the Constitution. The bill under consideration does not propose the donation of the land, nor does it propose a reduction of the price now fixed by law on the same. It only proposes to give a pre-emption right to the actual settler therein for the term of three years from the commencement of the settlement on the same, by paying taxes on the same, and to the end of said term to pay one dollar and twenty-five cents per



acre for the land. The objections heretofore so forcibly urged against the passage of donation and pre-emption bills, that it would invite and induce Abolitionists from the free States, to come and settle in this, cannot be urged against the passage of the bill now under consideration, because no one, not now a citizen of Texas, can avail himself of its benefits, should it become a law. Again, what is known in that region as the sixteen mile belt, passing through the densely settled portion of Collin, Denton, Tarrant, Parker and other counties, there are many sections and fractions of sections, now held in reservation by the State, and in the possession of settlers residing therein, cultivating the same, &c. Many other good and industrious citizens of Texas would also settle on said land, and make lasting and valuable improvements thereon, were they authorized by law to do so, and thus not only add to the value of the land and the wealth of the State, but increase the revenue by paying taxes on the land, as well as their other property. Besides, the policy proposed in the bill would at once settle and quiet the question of title to all the reservation lands occupied and settled upon as aforesaid. It would also cause the country through which railroads are designed to be constructed, to be densely settled in a comparatively short time, and until the country is thus settled, in the opinion of the undersigned, no roads will ever be built, for they are never constructed in and through a wild nor through a sparsely settled country.

The undersigned are clearly of the opinion, that to defeat the passage of the bill, would be detrimental to the settlement of the country, and injurious to the best interests of the State. Besides, in the opinion of the undersigned, Texas should never deny to her own citizens, the privilege of settling upon and cultivating her public domain, and especially when they will have to pay for the same three years after settlement, at one dollar and twenty-five cents per acre, together with the taxes on the same. The highest price asked for any of the lands of the State. What justice can be done the State, by a law of this kind? We answer none whatever! On the contrary, the best interest of the State will be advanced thereby. The sparsely populated portions of the country will be settled in a comparatively short time. The receipts in the Treasury largely increased, and portions of the frontier, now so thinly populated as to be able to offer no resistance to the incursions of the Indians, would soon be in a condition to protect themselves. For the reasons before given, the undersigned would most respectfully

ask the rejection of the report of the majority, and the passage of the bill.

A. G. WALKER,  
J. W. THROCKMORTON,  
E. E. LOTT,  
G. SCHLEICHER.

Mr. Potter offered the following resolution:

*Resolved*, That the Secretary of State, be authorized to transmit by mail to the members of the Senate and of the Convention, respectively, in due proportion, the documents printed by order of said bodies not delivered prior to the adjournment, and that the postage on the same be paid out of the contingent fund of the Senate, on the order of the Secretary of State. Adopted.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported a bill providing for a change of venue in the case of the State of Texas vs. Albert G. Walker, now pending in the District Court of Tarrant county.

A bill to establish certain regulations for the management of the Lunatic, Deaf and Dumb and Blind Asylums.

A bill to incorporate the Houston Cotton Press Company.

A bill for the relief of Thos. H. Duggan.

A bill to incorporate the Texas Baptist College.

A bill to amend an act to incorporate the Columbus Tap Railroad Company, approved 2nd Feb. 1860.

A bill donating land to Cynthia Ann Parker.

A bill for the relief of John A. Cummings.

A bill to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Courts, approved May 13, 1846.

Joint resolution authorizing the Governor to appoint two Commissioners, to examine into the affairs of the Central Railroad, and report to him.

A bill supplemental to an act to apportion the State of Texas, and to regulate the election of members of Congress.

A bill to authorize and require public sales in the county of Hays, to be made on the public square, in the town of San Marcos.

A bill making an appropriation for the mileage and *per diem* pay of the members and the *per diem* pay of the officers of the adjourned session of the eighth Legislature, being the special order, was read third time and passed.

A bill requiring the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law. Read third time and passed.



A message was received from the House, that the House had passed Senate's bills to incorporate the Star State Telegraph Company.

Bill to incorporate the Galveston and Houston Junction Railroad Company, with an amendment, in which the Senate concurred by the following vote:

YEAS—Messrs. Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Lott, Martin, Miller, Neal, Parsons, Potter, Scarborough, Schleicher, Stockdale, Throckmorton and Walker—20.

NAYS—Messrs. Gentry, Pitts and Whaley—3.

And a bill concerning the corporation of the town of Crockett, with an amendment, in which the Senate concurred.

And a bill concerning the Alamo Ditch. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

A message from the House informing the Senate that the House had passed the following bills:

House bill to prohibit the sale of intoxicating liquors within three miles of Baylor University. Read first time.

Rule suspended, read second time and passed to third reading.

Rule further suspended, read third time and passed.

And the following Senate bills:

Bill to authorize and require Commissioner of the General Land Office, to patent surveys out of the regular order.

Joint resolution suspending the Geological survey, with amendment in which the Senate refuse to concur.

Bill to regulate the salaries of certain State officers and clerks therein named, &c., with amendment. The Senate concurred in the amendment.

Bill providing means for the payment of certain debts created by authority of the late Convention.

Bill to amend the act of March 15, 1848, relative to the election of electors for President and Vice President of the United States, &c.

And that House had adopted report of committee of conference on the bill amending the tax law.

Mr. Duggan, chairman of committee of conference on part of the Senate on the disagreement of the two Houses, on the bill amending the tax laws, reported that the Senate recede from its amendments to first and second sections, and that the House accede to the amendments of the Senate to first section of the House bill. Adopted.

Mr. Erath offered the following resolution :

*Resolved*, That the Senate tender to the Hon. Jesse Grimes, late President *pro tem.* of the Senate, their highest regard and esteem, for the impartial manner in performing the duties of presiding officer. His connection with the history of Texas, as one of her oldest and earliest pioneers, an efficient member of her councils, without intermission, from the revolution of 1835, to the present day, through the late important changes in government, ever ready to acquiesce in the will of a majority of our own soil, still ready at an advanced age, to participate in the service of his country, entitles him to the veneration of all American freeman. Adopted unanimously.

Mr. Potter introduced a bill to amend the act of March 15, 1848, to provide for the election of electors for President and Vice President of the United States, and to repeal the eighth section of said act. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Blanch introduced a joint resolution, recognizing as the organic law, the ordinances of the Convention of an organic character. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Harmon introduced a bill for the relief of William Eubanks, assignee of Simon Clements. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Herbert moved to reconsider the vote which passed the bill authorizing certain counties to regulate the pay of Sheriffs. Carried.

Mr. Herbert then moved to reconsider the vote, which put the bill on its third reading. Carried.

The vote adopting Mr. Herbert's amendment, adding the county of Fayette to the bill, was then reconsidered.

Mr. Herbert then, by leave of the Senate, withdrew the amendment.

The bill was then passed to a third reading, and

Rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Chambers, Dulaney, Fall, Gentry, Herbert, Hyde, Lott, Martin, Miller, Neal, Parsons, Pitts, Scarborough, Schleicher, Shepard and Stockdale—16.



NAYS—Messrs. Erath, Grimes, Guinn, Harmon, Potter, Throckmorton and Whaley—8.

A message was received from the House, that the House had passed the following bills :

Bill to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of his ward from the State of Texas.

Bill to amend act to amend act to organize Justices' Courts, &c.

On motion the Senate adjourned until 3 o'clock, P. M.

3 o'CLOCK, P. M.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the Senate :

A bill making an appropriation for the subsistence and transportation of supplies for the regiment ordered to be raised by an Ordinance of the Convention.

A bill legalizing the certificate of Jacob Laux.

A bill for the relief of Wm. Eubanks, assignee of Simon Clemens, and that the

House had receded from their amendment to joint resolution, suspending the Geological survey, and that the

House had passed a bill to amend the 19th section of an act to provide for the assessment and collection of taxes, approved Feb., 11, 1850, and

A bill making appropriation to supply deficiencies for the year 1861, originating in the House, which was taken up. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

A bill to provide for the assessment and collection of taxes, approved Feb., 11, 1850. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported the following bills and resolutions :

A bill to incorporate the Star Telegraph Company.

A bill concerning the corporation of the town of Crockett.

A bill making an appropriation for the mileage and per diem

pay of the members and the per diem pay of the officers of the adjourned session of the eighth Legislature.

A bill providing means for the payment of certain debts created by authority of the Convention of the people of Texas.

A bill to incorporate the Galveston and Houston Junction Railroad.

An act to amend the act of March 13, 1848, entitled an act to provide for the election of electors for President and Vice President of the United States, and to repeal the eighth section of said act.

An act making an appropriation for the subsistence and transportation of supplies for the regiment ordered to be raised by the Ordinance passed by the Convention.

A bill for the relief of William Eubanks, assignee of Simeon Clemons.

A bill legalizing the certificate of Jacob Laux.

A bill to regulate the salaries of certain officers and clerks therein named, and to reduce the number of clerkships in the Comptroller's office, and to arrange the same, and to abolish the allowance for contingent fund.

Joint resolution suspending the Geological survey.

A bill to prohibit sales of intoxicating liquors within three miles of Baylor University.

A bill providing for the disposition of run-away slaves.

Joint resolution concerning iron foundaries in the State of Texas.

On motion the Senate adjourned till half past seven o'clock, P. M.

7½ o'clock, P. M.

Senate met pursuant to adjournment—quorum present.

A message was received from the House, that the House concurs in the amendment of the Senate to the resolution to adjourn *sine die*.

Mr. Hyde offered the following resolution :

*Resolved*, That the enrolling clerk and the assistant secretaries of the Senate, are hereby authorized to, and shall receive a compensation of five dollars per day for their services in performing the duties of engrossing clerk, during the present session, said compensation to be paid out of the contingent fund of this House, and to be equally divided among the said parties. Adopted.



Mr. Duggan moved that a committee of three be appointed to wait upon the Governor, and inform him that the two Houses of the Legislature were about to adjourn *sine die*, and to know if he had any other communication to make.

Messrs. Duggan, Erath and Lott were appointed said committee, who retired, and after a short time, reported duty performed and that the Governor had no further communications for the Legislature.

Mr. Hyde offered the following resolution :

*Resolved*, That the Secretary of the Senate, be and he is hereby required to issue to Senator Pitts, and all other Senators, certificates for their per diem from the commencement of the present adjourned session of the Legislature. Adopted.

Hr. Harmon offered the following resolution :

*Resolved*, That the thanks of the Senate are cordially tendered to the Hon. R. H. Guinn, for the able and impartial manner in which he has presided over the deliberations of the Senate. Adopted.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, and presented to the Governor :

A bill to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of his ward from the State of Texas.

A bill to authorize and require the Commissioner of the General Land Office, to patent surveys out of their regular order.

A bill to amend an act entitled an act, to organize Justices' courts, and to define the powers and jurisdiction of the same, approved Feb., 7, 1861.

A bill concerning the Alamo Ditch.

A bill to amend an act entitled an act amendatory of the laws to raise revenue by taxation, approved Feb., 16, 1858.

On motion, Senate adjourned until 7¼ o'clock, A. M. to-morrow.

TUESDAY, April 9th, 7¼ O'clock, A. M.

Senate met—roll called. Prayer by the Chaplain—quorum present.

On motion, the Senate adjourned *sine die*.